

MINUTES
KENTUCKY BOARD OF PHARMACY
Spindletop Administration Building, Suite 302
2624 Research Park Dr.
Lexington, Kentucky

January 10, 2007

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the Board Office at Spindletop Administration Building, Suite 302, 2624 Research Park Dr., Lexington, Kentucky. President Orzali called the meeting to order at 9:12 a.m.

Members present: Peter Orzali, Mike Leake, Anne Policastri, Catherine Shely, and Sandy Simpson. Staff: Michael Burleson, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Steve Hart, Katie Busroe and Phil Losch, Pharmacy and Drug Inspectors; Lisa Atha, Executive Secretary; and Cheryl Lalonde, Assistant Attorney General and Board Counsel. Guests: Brian Fingerson, Pharmacist Recovery Network Committee; Ralph Bouvette, APSC; Chris Killmeier, Walgreens; Jan Gould, Kentucky Retail Federation; Michael Wyatt, Cardinal Health; Richard Ross; Peter Cohron; Gary M., UPS; Jim C., Pfizer; Marc Wilson, HDMA; Jack Nicholson, Mika Kessans, Carrie Rumford, and Tai Kidwell, University of Kentucky College of Pharmacy PY4 students. Melanie Curtis, Court Reporter, recorded the meeting. Absent: Board Member Patricia Thornbury.

OFFICER/NEW BOARD MEMBER:

Mr. Leake was sworn in by Jeffrey L. Osman as President-Elect of the Kentucky Board of Pharmacy for 2007.

Dr. Policastri was sworn in by Jeffrey L. Osman as a new member of the Kentucky Board of Pharmacy for 2007.

President Orzali introduced Dr. Hieu Tran, Dean of Sullivan University College of Pharmacy. Dr. Tran remarked briefly on the progress of Sullivan University College of Pharmacy.

MINUTES: On motion by Dr. Shely, seconded by Mr. Leake and passed unanimously, the Minutes of December 13, 2006 were adopted.

APPEARANCES: Jerome Meyer was sworn in by Melanie Curtis, Court Reporter. Mr. Meyer appeared before the Board asking for reinstatement of his Kentucky pharmacist's license. Mr. Meyer appeared before the Board at the September 13, 2006 meeting. At that time he was denied reinstatement and instructed to attend 90 AA/NA meetings in 90 days as agreed to in his Agreed Order of Surrender. Since September 13, 2006 Mr. Meyer has attended 92 AA/NA meeting in 90 days. The Board was informed that Mr. Meyer had a drug urine screen on December 21, 2006. Mr. Meyer and Mr. Fingerson, Chair of the Pharmacist Recovery Network, were notified on January 9, 2007 that the drug urine screen was positive for pseudoephedrine. Mr. Meyer has no

recollection of taking pseudoephedrine but his wife uses this medication so there is some in their house. There was discussion on how Mr. Meyer could have mistakenly taken the pseudoephedrine. He has had 18 months of clean drug urine screens. After discussion, Mr. Leake moved to allow Mr. Meyer's license be reinstated with the stipulations as follows: 5 years probation; maximum hours of work: no more than 50 hours in 7 consecutive calendar days or 90 hours per 2 weeks with no overtime; shall not serve as pharmacist-in-charge; shall not have power of attorney; shall not be a preceptor; shall provide copy of Agreed Order to all employers; shall enter into an aftercare contract with PRN Committee, to include drug counselor if indicated; shall submit signed release for Board access to all medical records; shall attend NA/AA meetings no less than 3 times per week; shall submit to the Board written monthly reports of all NA/AA meetings; shall submit to a minimum of 12 random observed drug screens each year of probation; shall be subject to quarterly inspections by the Board at all places of employment, with audits to be conducted if necessary, the cost of each inspection not to exceed \$500; perpetual inventory of Scheduled II drugs to be required at each place of employment; shall not ingest any mood altering substances whether legend or nonlegend medications including alcohol; notification to the Board within 3 days of all legend and nonlegend drugs prescribed/ingested; Board or Board President to approve all pharmacies/worksites and schedule prior to employment; shall not dispense any drugs for himself or his family members; shall obtain all prescriptions and those of family members at pharmacy designated in writing to the Board; attendance at the University of Utah School on Alcoholism and Other Drug Dependencies, the South Eastern PRN meeting, or the CAPTASA conference within one year; provide the Board and PRN Committee with a written self-performance evaluation monthly; shall appear before the PRN Committee annually at meeting closest to anniversary of reinstatement date or as requested; any violation of state and/or federal pharmacy or drug laws constitutes violation of Agreed Order and may result in an emergency suspension of pharmacist's license. The Agreed Order shall be reported to NABP. Dr. Shely seconded, and the motion passed unanimously.

BOARD REPORTS: **President.** Greg Naseman was a member of the PRN Ad Hoc Committee, an ongoing committee of the Board. President Orzali thanked Mr. Naseman for his work on the committee. With the committee's work almost completed, President Orzali did not appoint a replacement for Mr. Naseman.

Board Executive Director. 1) MARS reports included for December 2006. 2) The Board received \$353,020.36 from the federal government for participation in an investigation. 3) Online renewals are going very well with 1234 of 5600 licensees renewing online since January 5, 2007. The Board office plans to have online verifications in place by July 2007.

PRN Chairperson/Brian Fingerson. The CAPTASA meeting, with an estimated 400 attendees, will be held January 26 and 27, 2007 at the Embassy Suites in Lexington, Kentucky.

CURRENT/PENDING CASES:

Mr. Leake moved for acceptance and entry of the proposed Agreed Orders as written. Dr. PolICASTRI seconded, and the motion passed unanimously.

Case No. 06-0048B; Case No. 06-0065; Case No. 06-0080; Case No. 06-0106A; and Case No. 06-0111.

NABP: The National Association of Boards of Pharmacy Annual Meeting will be May 19-22, 2007, in Portland, Oregon.

LEGISLATION/REGULATIONS:

A. Pharmacy Technicians. Dr. Shely moved to amend the proposed Pharmacy Technician Bill, Section 1(2)(b) and (c) from days to actual number of hours worked, based on feedback to Mr. Burleson. Mr. Leake seconded and the motion passed unanimously. Dr. Shely moved for the Executive Director to proceed with the legislative process for the Pharmacy Technician Bill. Mr. Leake seconded and the motion passed unanimously. President Orzali stated to make this piece of legislation a priority.

B. Centralized Prescription Processing. Mr. Leake moved to approve the proposed regulation on centralized processing of prescription drug orders and repeal 201 KAR 2:230, directing Executive Director to proceed with these regulation processes. Dr. PolICASTRI seconded, and the motion passed unanimously.

C. Wholesaler/Pedigree. After discussion, Mr. Leake moved to not pursue wholesaler/pedigree legislation during the 2007 legislative session. Dr. Shely seconded and the motion passed unanimously. Dr. Shely moved to continue to explore a legislative solution for wholesaler and pedigree standards and to monitor federal legislation on this subject, having this subject as an agenda item for the March 14, 2007 Board Meeting with the possibility of having a special called meeting for more discussion. Ms. Simpson seconded and the motion passed unanimously. Dr. Shely moved to direct Board staff and counsel to review the wholesaler permit application process and present suggestions at the March 14, 2007, Board Meeting. Ms. Simpson seconded and the motion passed unanimously.

D. Board Member Per Diem. Mr. Leake moved to increase Board Member daily per diem from \$100 to \$200 per day and directed the Executive Director to proceed with the legislative process for this increase. Dr. PolICASTRI seconded and the motion passed unanimously.

CONTINUING EDUCATION:

Ms. Simpson moved to accept the continuing education programs 07-01 through 07-07 as recommended. Mr. Leake seconded, and the motion passed unanimously.

OLD BUSINESS:

USP 797. The USP 797 committee will not meet until the newest version of USP 797 and 795 are published. Status of USP 797 will be on the March 14, 2007 Board Meeting Agenda.

NEW BUSINESS:

A. Will Call Bin. There was discussion regarding the use of automated will call bin technology.

B. November 2007 Board Retreat. After discussion, President Orzali decided to have the Board Retreat in Lexington, either at Marriott or Embassy Suites, with a reception for past Board Members at the Board office.

ADJOURNMENT: On motion by Mr. Leake, seconded by Dr. Shely, and passed unanimously, President Orzali adjourned the meeting at 2:30 p.m. The next regularly scheduled Board meeting is scheduled to begin at 9:00 a.m. on March 14, 2007 at the Board Office.

Michael Burleson, Executive Director